

1 Fred Lomayesva, General Counsel (#013729)  
2 Amy Mignella, Deputy General Counsel (#016264)  
3 Hopi Tribe Office of General Counsel  
4 P.O. Box 123  
5 Kykotsmovi, AZ 86039  
6 (928)613-1033  
7 [flomayesva@hopi.nsn.us](mailto:flomayesva@hopi.nsn.us)  
8 [amignella@hopi.nsn.us](mailto:amignella@hopi.nsn.us)

BEFORE THE ARIZONA CORPORATION COMMISSION

9 IN THE MATTER OF THE APPLICATION OF ARIZONA  
10 PUBLIC SERVICE COMPANY FOR A HEARING TO  
11 DETERMINE THE FAIR VALUE OF THE UTILITY  
12 PROPERTY OF THE COMPANY FOR RATEMAKING  
13 PURPOSES, TO FIX A JUST AND REASONABLE RATE OF  
14 RETURN THEREON, TO APPROVE RATE SCHEDULES  
15 DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-19-0236

NOTICE OF FILING OF TESTIMONY  
OF THE HOPI TRIBE

16 The Hopi Tribe hereby submits the attached surrebuttal testimony of the Hopi Tribal Chairman,  
17 Timothy L. Nuvangyaoma.

18 Respectfully submitted this Friday, December 4, 2020.

By: 

Amy Mignella

Hopi Tribe  
Office of General Counsel  
P.O. Box 123  
Kykotsmovi, AZ 86039

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2 **CERTIFICATE OF SERVICE**

3 ORIGINAL electronically filed this 4th day of December, 2020, with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 W. Washington St. Phoenix, AZ 85007

7 I hereby certify that I have on this 4th day of December, 2020, served these documents on all parties of  
8 record in this proceeding, as identified on the service list attached at the end of this filing and in the  
9 manner identified as acceptable by each.  
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A handwritten signature in black ink, appearing to be "J. R. L.", is written over a horizontal line.

**SURREBUTTAL TESTIMONY OF TIMOTHY L. NUVANGYAOMA**

**On Behalf of the Hopi Tribe**

**DOCKET No. E-0135A-19-0236**

1 **Q1:** Please state your name and business address.

2 **A1:** My name is Timothy L. Nuvangyaoma. My business address is P.O. Box 123, Kykotsmovi, AZ 86039.

4 **Q2:** On whose behalf are you filing this surrebuttal testimony?

5 **A2:** This testimony is filed on behalf of the Hopi Tribe.

7 **Q3:** What is your role with that entity?

8 **A3:** I serve as the Hopi Tribal Chairman.

11 **Q4:** Have you had an opportunity to review the APS rate and rebuttal filings in this case?

12 **A4:** Yes.

14 **Q5:** Do you have comments on the content of the APS rebuttal filing?

15 **A5:** Yes.

18 **Q6:** What is your comment on the testimony in that filing of Barbara Lockwood?

19 **A6:** The Hopi Tribe supports APS' proposed expansion of the Energy Support Program for lower income  
20 rate payers. The Hopi Tribal population includes a disproportionately large number of families that live  
21 at or below the poverty line. And that total will only increase as the loss of coal-tied revenue continues  
22 into the future for the Tribe with no offset. As such, any rate increase for residential customers  
23 becomes another barrier to maintaining or achieving contemporary electrification standards across Hopi  
24 lands. In this way the Tribe must consider the proposed residential increase of potentially more than  
25 4.99% as substantial and not supportable without a broadened assistance program that sufficiently  
26 extends to Hopi families. [See APS Rebuttal filing, B. Lockwood, p. 4, line 13 and continuing].  
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1 **Q7:** What is your comment on the testimony in that filing of Brad J. Alpert?

2 **A7:** The condition of APS distribution system infrastructure across Hopi lands is outdated, with many  
3 segments remaining unimproved for now lengthy periods. Whether predominantly for that reason or  
4 due to another management cause, electric service interruptions across Hopi lands are too frequent.  
5 APS customers on the Reservation continue to experience outages, which have been reported to  
6 occasionally last for several days. Because of this, many Hopi APS customers must rely on generators to  
7 guarantee continued functionality of critical infrastructure such as powered water service, healthcare  
8 facilities, and communications.  
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11 The Tribe is familiar with the spectrum of regional outages that occurred this last summer and hereby  
12 responds to the APS rebuttal testimony position on that issue by noting that APS generation resource,  
13 system and ISO/RTO participation management actions must be improved to avoid any such impacts to  
14 its customers (and potentially the wider Arizona and regional end users) looking ahead. It is the Tribe's  
15 understanding that APS only entered the CAISO platform in order to obtain benefits for its system  
16 management and customers; the Tribe hereby stresses that such benefits cannot be realized without  
17 sufficient attention being paid to the complex nature of that engagement.  
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21 **Q8:** What is your comment on the testimony in that filing of Jeffrey Guldner?

22 **A8:** As I noted in a letter submitted on November 20, 2020, the Tribe rejects its treatment by APS in the  
23 proposed Transition Plan terms [See APS Rebuttal filing, Jeffrey Guldner, pages 5, line 27 and 8, line 19  
24 and continuing]. In fact, the Hopi Tribe has not had any "discussions" with APS to arrive at the transition  
25 assistance noted in the filing; as a result, APS has no basis to claim that "[t]hrough discussions with these  
26 communities, APS has come to a thoughtful, meaningful agreement to assist this transition." [See APS  
27 Rebuttal filing, J.Guldner, page 8, line 19 and continuing].  
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1 The Tribe provides the following in response to its categorical treatment by APS in the absence of any  
2 negotiation or even transition-specific dialogue:

3 Prior to its closure, Arizona Public Service Company owned 315 MW of nameplate capacity at Navajo  
4 Generating Station. Based on previous testimony and comments by Navajo Nation and others, and as is  
5 becoming increasingly common across coal retirement scenarios, \$100,000 per MW of nameplate  
6 capacity is a reasonable metric to establish a target value of transitional assistance to the Hopi Tribe.  
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9 For illustration and specific comparison, in its Just Transition Plan, APS agreed to a minimum of \$128.75  
10 million in direct payments to Navajo Nation, which equates to \$66,641 per MW of nameplate capacity  
11 ownership in the three Navajo-related coal plants – Four Corners Power Plant, Navajo Generating  
12 Station, and Cholla Power Plant. However, this agreement may exceed \$148 million in direct payments,  
13 depending on the date of closure of Four Corners Power Plant and the number of homes APS connects  
14 to power lines, bringing the \$/MW total closer to \$76,605 per MW of nameplate capacity ownership.  
15 Further, if the long term commitments to purchase 600 MW of renewable energy from Navajo Nation  
16 projects are also included, and are conservatively estimated to create \$3 million in annual land lease  
17 revenue for the Nation over 25 years for a total of \$75 million, this \$/MW figure can be estimated to  
18 equal in excess of \$115,424/MW, for \$223 million in total transition assistance.  
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22 Applying a \$100,000/MW value for Hopi, the Tribe would be positioned to receive a minimum \$31.5  
23 million through the Company's transition efforts. The Tribe considers this a more fair and equitable  
24 calculation in the context of its history and the impacts from NGS closure. This level of funding will help  
25 the Hopi Tribe transition out of its long-standing coal economy, and allow for new economic  
26 development opportunities to replace lost revenue and provide employment for impacted Hopi Tribal  
27 members. The Tribe could also apply a portion of this funding to Hopi-based renewable energy project  
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1 developments that could become a source of clean energy for APS or other regional utilities. As such a  
2 scenario would only be consistent with the basis for NGS closure, the Commission and APS should  
3 support this concept.  
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6 The Tribe further objects to the inclusion of the Transition Plan in this rate filing to the extent that Hopi  
7 rate payers will be burdened with its costs. As the Hopi Tribe is almost entirely served by APS, any rate-  
8 based cost recovery will leave it with no alternative to the repayment of its own and all other transition  
9 assistance. Commission approval of any such structure would be fundamentally unjust and only plainly  
10 contradict the premise of the assistance itself. In addition, as is excerpted from my letter above, other  
11 Transition Plan beneficiaries will not be similarly situated to Hopi as they will not bear the same  
12 repayment burden due to not being APS ratepayers to any similar degree.  
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15 Finally, this disparate treatment of Hopi is only made worse by the assistance of that beneficiary at a  
16 level that is as much as 60-fold higher than what is being offered Hopi. APS has not offered and does  
17 not actually have any legitimate basis for such a disparity. In addition to lost employment across its  
18 communities, as the locational source of fuel for the generation now curtailed and with such curtailment  
19 orchestrated by APS on a voluntarily accelerated timeline, Hopi has the same need for transition  
20 assistance as any other affected community. [See APS Rebuttal filing, Jeffrey Guldner, page 8, line 19  
21 and continuing].  
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24 In fact, considering impact totality, the result of coal-tied closures to the Hopi Tribe is not less than 30%  
25 as for Navajo but rather an 80% loss to its total annual revenue base. This positions Hopi as having only  
26 a much greater need for assistance than Navajo.  
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1 **Q9:** Do you have any other comments?

2 **A9:** No.

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4 **Q10:** Does this conclude your surrebuttal testimony?

5 **A10:** It does.  
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**SERVICE LIST**  
**Docket No. E-01345A-I9-0236**  
**[All Consented to Service by Email]**

Adam Stafford  
Western Resource Advocates  
P.O. Box 30497  
Phoenix AZ 85046  
[adam.stafford@westernresources.org](mailto:adam.stafford@westernresources.org)  
[stacy@westernresources.org](mailto:stacy@westernresources.org)  
[steve.michel@westernresources.org](mailto:steve.michel@westernresources.org)  
[autumn.johnson@westernresources.org](mailto:autumn.johnson@westernresources.org)

Albert H Acken  
DICKINSON WRIGHT PLLC  
1850 N Central Ave., Suite 1400  
Phoenix AZ 85004  
[aacken@dickinson-wright.com](mailto:aacken@dickinson-wright.com)

Garry Hays  
Law office of Garry Hays PC  
2198 E Camelback Rd., Suite 230  
Phoenix AZ 85016  
[Ghays@lawgdh.com](mailto:Ghays@lawgdh.com)

Giancarlo Estrada  
KAMPER ESTRADA, LLP  
3030 N. 3rd Street, Suite 770  
Phoenix AZ 85012  
[gestrada@lawphx.com](mailto:gestrada@lawphx.com)

Greg Patterson  
Munger Chadwick/Competitive Power Alliance  
5511 S. Jolly Roger  
Tempe AZ 85283  
[Greg@azcpa.org](mailto:Greg@azcpa.org)

Gregory M. Adams  
515 N. 27th St.  
Boise ID 83702  
[greg.bass@calpinesolutions.com](mailto:greg.bass@calpinesolutions.com)

Armando Nava

The Nava Law Firm PLLC  
1641 E Osborn Rd., Ste 8  
Phoenix AZ 85016  
[Flings@navalawaz.com](mailto:Flings@navalawaz.com)

Holly L. Buchanan  
139 Barnes Dr., Suite 1  
Tyndall AFB FL 32403  
[Holly.buchanan.1@us.af.mil](mailto:Holly.buchanan.1@us.af.mil)

Court Rich  
Rose Law Group PC  
7144 E Stetson Drive, Suite 300  
Scottsdale AZ 85251  
[CRich@RoseLawGroup.com](mailto:CRich@RoseLawGroup.com)

Jason Y. Moyes  
Moyes Sellers & Hendricks  
1850 N. Central Ave., Ste. 1100  
Phoenix AZ 85004  
[jasonmoyes@law-msh.com](mailto:jasonmoyes@law-msh.com)  
[jim@harcuvar.com](mailto:jim@harcuvar.com)  
[jjw@krsaline.com](mailto:jjw@krsaline.com)

Daniel Pozefsky  
RUCO  
1110 West Washington, Suite 220  
Phoenix AZ 85007  
[procedural@azruco.gov](mailto:procedural@azruco.gov)  
[jfuentes@azruco.gov](mailto:jfuentes@azruco.gov)  
[rdelafuente@azruco.gov](mailto:rdelafuente@azruco.gov)  
[dpozefsky@azruco.gov](mailto:dpozefsky@azruco.gov)

David Bender  
EARTHJUSTICE  
1001 G Street, NW, Suite 1000  
Washington DC 20001  
[dbender@earthjustice.org](mailto:dbender@earthjustice.org)

Jason R. Mullis  
WOOD SMITH BENNING & BERMAN LLP  
2525 E. Camelback Road, Ste. 450  
Phoenix AZ 85016  
[greg.bass@calpinesolutions.com](mailto:greg.bass@calpinesolutions.com)

[greg@richardsonadams.com](mailto:greg@richardsonadams.com)  
[jmullis@wshblaw.com](mailto:jmullis@wshblaw.com)

Melissa M. Krueger  
Pinnacle West Capital Corporation  
400 North 5th Street, MS 8695  
Phoenix AZ 85004  
[Leland.Snook@aps.com](mailto:Leland.Snook@aps.com)  
[rodney.ross@aps.com](mailto:rodney.ross@aps.com)  
[Theresa.Dwyer@pinnaclewest.com](mailto:Theresa.Dwyer@pinnaclewest.com)  
[Andrew.Schroeder@aps.com](mailto:Andrew.Schroeder@aps.com)  
[ratecase@aps.com](mailto:ratecase@aps.com)  
[Melissa.Krueger@pinnaclewest.com](mailto:Melissa.Krueger@pinnaclewest.com)  
[Thomas.Mumaw@pinnaclewest.com](mailto:Thomas.Mumaw@pinnaclewest.com)

John B. Coffman  
JOHN B. COFFMAN LLC  
871 Tuxedo Blvd.  
St. Louis MO 63119  
[john@johncoffman.net](mailto:john@johncoffman.net)

John S. Thornton  
8008 N. Invergordon Rd.  
Paradise Valley AZ 85253  
[john@thorntonfinancial.org](mailto:john@thorntonfinancial.org)

Jonathan Jones  
14324 N. 160th Drive  
Surprise AZ 85379  
[jones.2792@gmail.com](mailto:jones.2792@gmail.com)

Nicholas J. Enoch  
LUBIN & ENOCH, PC  
349 N. Fourth Ave.  
Phoenix AZ 85003  
[clara@lubinandenoch.com](mailto:clara@lubinandenoch.com)  
[nick@lubinandenoch.com](mailto:nick@lubinandenoch.com)  
[bruce@lubinandenoch.com](mailto:bruce@lubinandenoch.com)

Karen S White AFIMSC/JAQ  
139 Barnes Ave  
Tyndall AFB FL 32403  
[karen.white.13@us.af.mil](mailto:karen.white.13@us.af.mil)

Patricia Madison  
13345 W. Evans Drive  
Surprise AZ 85379  
[Patricia\\_57@q.com](mailto:Patricia_57@q.com)

Kimberly A. Dutcher  
NAVAJO NATION DEPARTMENT OF JUSTICE  
P.O. Box 2010  
Window Rock, AZ 86515  
[aquinn@nndoj.org](mailto:aquinn@nndoj.org)  
[kdutcher@nndoj.org](mailto:kdutcher@nndoj.org)

Patrick J. Black  
FENNEMORE CRAIG, P.C.  
2394 E. Camelback Rd., Suite 600  
Phoenix AZ 85016  
[pblack@fclaw.com](mailto:pblack@fclaw.com)  
[lferrigni@fclaw.com](mailto:lferrigni@fclaw.com)

Kurt J. Boehm  
Boehm, Kurtz & Lowry  
36 E. Seventh St., Suite 1510  
Cincinnati OH 45202  
[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

Richard Gayer  
526 W. Wilshire Dr.  
Phoenix AZ 85003  
[rgayer@cox.net](mailto:rgayer@cox.net)

MAJ Scott L Kirk  
AFLOAT/JACE-ULFSC 139 Barnes Dr., Suite 1  
Tyndall AFB FL 32403-5317  
[scott.kirk.2@us.af.mil](mailto:scott.kirk.2@us.af.mil)

Robert A Miller  
12817 W. Ballad Drive  
Sun City West AZ 853785375  
[rdjsw@gmail.com](mailto:rdjsw@gmail.com)  
[Bob.miller@porascw.org](mailto:Bob.miller@porascw.org)

Mana Darby  
EarthJustice

633 17th Street, Suite 1600  
Denver CO 80202  
[mdarby@earthjustice.org](mailto:mdarby@earthjustice.org)

Melissa Parham  
ZONA LAW GROUP P.C.  
7701 East Indian School Road, Suite  
Scottsdale, Arizona 85251  
[attorneys@zona.law](mailto:attorneys@zona.law)  
[melissa@zona.law](mailto:melissa@zona.law)  
[scottb@zona.law](mailto:scottb@zona.law)